IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.9276/07
Ashok Kumar Saini & Anr. Vs. ADJ cum MACT (Fast Track), Kotputli

Date of order : 19/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Jitendra Mitrucka for the petitioners.

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This writ petition has been filed by petitioners Ashok Kumar Saini and Sunil Kumar Khandelwal against that part of the award in which it has been observed by the Motor Accident Claims Tribunal that the panel advocate for petitioner no.2 has not been appearing in the matter for last more than one year and in his place only petitioner no.1 who is a brief holder has been representing the insurance company. The objection is with regard to that part of the direction where the brief holder has been required to communicate in

writing to the insurance company for making alternative arrangements.

Learned counsel for the petitioner has asserted that the observations are based on unfounded assumption that petitioner no.2 has not been appearing in the matter, whereas he appeared on the first date i.e. 2.5.07 when the written statement was filed and the award of no fault liability was passed and thereafter some other advocate appeared. Even if that be so, it would be appropriate for the petitioners to again approach to the Tribunal pointing out these facts which in any case was duly applied to provide an opportunity at least to petitioner no.2, if an observation was being made with regard to his conduct as counsel representing the insurance company. Once the petitioner no.2 approaches the Motor Accident Claims Tribunal by filing the review of petition

to explain his conduct, necessity for the brief holder to communicate in writing to the insurance company about the matter would stand obviated. The Tribunal is therefore expected to suitably consider the review petition, if any, filed in that behalf.

In view of above, I do not deem it appropriate to entertain the writ petition and therefore the writ petition is disposed of with the aforesaid observations.

(MOHAMMAD RAFIQ), J.

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